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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,869	10/23/2001	Lee S. Mighdoll	14531.5.5.1	9062

7590 11/26/2002
WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

EXAMINER	
PRIETO, BEATRIZ	
ART UNIT	PAPER NUMBER

2142

DATE MAILED: 11/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/037,869	MIGHDOLL ET AL.
Examiner	Art Unit	
B. PRIETO	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 October 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. Drawings have been objected to by the Draftsperson under 37 CFR 1.84 or 1.152, correction noted on PTO-948 is required. A proposed drawing correction or corrected drawings are required in reply to this office action to avoid abandonment of the application. The objection to the drawings are no longer held in abeyance. If reply does not include corrected drawings, proposed corrections, or reply to the drawings requirement, the reply would be held non-responsive (See MPEP §1.85 revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; Para. (a) revised, 65 FR 57024, Sept. 20, 2000, effective Nov. 29, 2000).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe, et. al. (Rowe) U.S. Patent No. 5,737,599.

Regarding claim 1, Rowe teaches a system/method including downloading (providing) (col 7/lines 25-41) a document (col 10/lines 46-col 11/line 40) to a client (col 10/lines 22-29, 40-45);

on a server computer (col 14/lines 32-35) providing the document to the client (col 10/lines 40-45, col 25/lines 10-15, 25-32), wherein the server computer retrieved the document for providing to the client from a remote host server (col 31/lines 50-52);

the document including image data and non-image data for causing the client to generate a display (col 25/lines 54-67, content object and image object, col 2/lines 49-57);

partitioning the document into a plurality of partitions (col 10/lines 50-col 11/line 30, a page col 11/lines 66-col 12/line 25 of a document file);

downloading data of a first partition to the client (downloading first, col 25/lines 26-40, portion of a page downloaded first, col 25/lines 63-67);

downloading a next partition to the client after downloading data of the first partition to the client (col 25/lines 63-col 26/line 11, downloading after, col 29/lines 47-57, downloading next after, col 31/lines 1-7);

repeating the step until each one of the plurality of partitions has been downloaded to the client (Figs. 5, 10, and 14, continue downloading until all required partitions has been downloaded, col 27, lines 3-16, on Fig. 10);

although Rowe teach a server computer communicatively coupled to a client for providing a document to the client, wherein the server computer may receive portions of the document from another host server computer, it does called the server computer a “proxy server”;

It would have been obvious to one ordinary skilled in the art at the time the invention was made to utilize a proxy server computer configured to relay documents or portions of document to the client obtained from another functional server, in a Web environment, as well known in the art, and suggested by Rowe, motivation would be to download portions of a document in an interleaved order between the portions of the document content downloading a first portion including image and non-image data causing the client viewer to generate a display, enabling the client to view document content without waiting for the entire document page to be displayed, reducing the latency perceived by the viewer.

Citation of Pertinent Art:

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure; Copies of documents cited will be provided as set forth in MPEP§ 707.05(a):

US 6,269,403, Anders, M. (Jul 2001)

Teaches downloading consecutively portions of a document one after another increasing rendering speed.

US 5,727,159 (Mar 1998) Kikinis, D.;

Teaches the use of Proxy-Servers provided by commercial Internet providers, thereby providing their customers with extended functionality for small and inexpensive computer units, lowering the cost to access the Internet. For downloading and displaying sophisticated files with existing inexpensive portable computers, PDA, etc., dramatically increase accessibility to the Internet, and to lower barriers to entering the Internet world for many people who could otherwise not afford to do so.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (703) 305-0750. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Mark R. Powell can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6606. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or Faxed to:

(703) 746-7239, for Official communications and entry

Or:

(703) 746-7240, for Non-Official or draft communications, please label
"PROPOSED" or "DRAFT".

Or Telephone:

(703) 306-5631 for TC 2100 Customer Service Office.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Fourth Floor (Receptionist), further ensuring that a receipt is provided stamped "TC
2100".

B. Prieto
GAU 2142/TC 2100
Patent Examiner
November 24, 2002

MARK POWELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100